Decision ________________

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Vodafone US Inc., for a Certificate of Public Convenience and Necessity to Provide: (i) Full Facilities-based and Resold Competitive Local Exchange Service Throughout the Service Territories of Pacific Bell Telephone Company, Verizon California, Inc., SureWest Telephone, and Citizens Telecommunications Company of California, Inc.; and (ii) Full Facilities-based Interexchange Services on a Statewide Basis.	Application 15-06-007 (Filed June 9, 2015)

DECISION AMENDING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF VODAFONE US, INC.

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DECISION AMENDING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF VODAFONE US, INC.

Summary

Pursuant to Public Utilities Code § 1001, we amend the Certificate of Public Convenience and Necessity (CPCN) previously granted to VODAFONE US, INC. (Vodafone US) in Decision (D.) 16-01-019 to allow it to provide full facilities-based and resold competitive local exchange telecommunications services in addition to previously authorized interexchange services subject to the terms and conditions set forth in the Ordering Paragraphs. The application is unopposed. The proceeding is closed.

1. Background

In Decision (D.) 16-01-019, the Commission issued Certificate of Public Convenience and Necessity (CPCN) number U-7277-C to Vodafone US, Inc. in Application (A.) 13-10-022, to provide voice and data interexchange service in California as a switchless reseller by Voice over Internet Protocol and Internet Protocol enabled service.

On June 9, 2015, Vodafone US Inc., (Vodafone US or Vodafone) a corporation authorized to do business in California, filed an application with the California Public Utilities Commission (CPUC or Commission) seeking additional authority to provide full facilities-based and resold competitive local telecommunications services and full facilities-based interexchange services throughout the service territories of Pacific Bell Telephone Company d/b/a AT&T California (AT&T), Verizon California Inc. (Verizon)[1], Citizens

[1] Decision (D.)15-12-005 approved Application (A.)15-03-005, the Joint Application of Frontier Communications Corporation, Frontier Communications of America, Inc. (U-5429-C), Verizon

Footnote continued on next page

Telecommunications Company of California, Inc. d/b/a Frontier Communications of California (Frontier), and Consolidated Communications of California Company (formerly SureWest Telephone)[2] (Consolidated Communications). Specifically, Vodafone US seeks a CPCN to provide non-Internet Protocol (non-IP)-enabled local exchange voice services and facilities-based interexchange services to business customers that continue to have requirements for time-division multiplexing (TDM), ATM or other legacy telecommunications services.

The authority sought in this application is in addition to the authority granted to Vodafone in D.16-01-019, which authorized Vodafone US to provide voice and data interexchange service in California as a switchless reseller, specifically traditional 1+10 long-distance service to commercial customers, and the capability to enable Vodafone's customers' employees to charge long-distance calls from remote locations to the customers' accounts using post-paid calling cards, and private line/network capability for customers to transmit data between legacy non-IP customer premises equipment. In its current application, Vodafone US seeks to expand on this authority and provide non IP-enabled local exchange voice services and facilities-based interexchange services on a statewide basis to business and commercial customers. Vodafone US does not intend to serve residential customers.

California, Inc. (U-1002-C), Verizon Long Distance LLC (U-5732-C), and Newco West Holdings LLC for Approval of Transfer of Control over Verizon California, Inc. and Related Approval of Transfer of Assets and Certifications. Effective April 1, 2016, Verizon California became Frontier California Inc. (U-1002-C).

[2] Consolidated Communications was formerly known as SureWest. A name change from SureWest to Consolidated was filed via Advice Letter and effective January 1, 2016.

Vodafone's principal place of business is located at 560 Lexington Avenue, 9th Floor, New York, NY 10022. Vodafone US holds a Certificate of Incorporation (in its current name)[3] as well as a Certificate of Status (good standing) with the State of California, which allows it to transact intrastate business in California.

2. Jurisdiction

Public Utilities Code Section 216(a) defines the term "Public utility" to include a "telephone corporation," which in turn is defined in Public Utilities Code Section 234(a) as "every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state."

In its application, Vodafone US indicated that it is a common carrier as defined in Section 153 of the Federal Telecommunications Act of 1934 (the Act), as amended, and is eligible to interconnect with the public switched telephone network pursuant to sections 251 and 252 of the Act. The application further stated Vodafone US will operate as a telephone corporation as defined in Public Utilities (Pub. Util.) Code section 234(a)[4] and will obey the Code, and all of the Commission's rules, decisions and orders applicable to telephone corporations. Vodafone US is a public utility subject to our jurisdiction.

3. California Environmental Quality Act (CEQA) and Full Facilities-Based CPCN

Pursuant to CEQA and Rule 2.4[5] of the Commission's Rules of Practice and Procedure, the Commission examines projects to determine any potential

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[3] The Certificate of Incorporation was issued to Vodafone Global Enterprise, Inc. on March 26, 2008, and amended to reflect the Vodafone US, Inc. name on December 20, 2013.

[4] All statutory references are to the Public Utilities Code unless otherwise indicated.

[5] Unless otherwise indicated, "Rule" or "Rules" refer to the Commission's Rules of Practice and Procedure.

environmental impacts in order that adverse effects are avoided and environmental quality is restored or enhanced to the fullest extent possible under CEQA.

Vodafone US requests authorization for a CPCN to provide full facilities-based and resold local exchange and full facilities-based intrastate interexchange telecommunications services. A Proponent's Environmental Assessment (PEA) is required for a full facilities-based CPCN. In the PEA submitted with this application, Vodafone US stated its intention to "install its telephone line facilities, such switching equipment, fiber optic cable, and related equipment, primarily in existing buildings and infrastructure. However, the applicant may need to undertake outside plant construction activities in some locations if, for example, there are no existing conduits or there is inadequate space in the existing conduits. Such activities may include trenching for the installation of underground conduit and the installation of new utility poles, equipment shelters, or other above-ground support structures."[6]

Vodafone US expects any outside plant construction ordinarily would be small in scale, consisting of construction of short conduit extensions or stubs and installations of a limited number of poles or other above-ground facilities, primarily in existing roadways or other previously-developed and disturbed rights-of-way.[7] The applicant expects that any such projects would fall within

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[6] Application at 2

[7] *Ibid*.

one or more categorical exemptions under the CEQA[8] and for which neither an Environmental Impact Report, nor a Negative Declaration is required:

- Class 1 Exemption: operation, repair, maintenance, leasing or minor alteration of existing public or private structures and facilities, with negligible or no expansion of an existing use. This includes existing facilities used to provide public utility services. 14 CCR § 15301.
- Class 3 Exemption: construction including water main, sewage, electrical, gas and other utility extensions of reasonable length to serve such construction. This includes the construction of limited numbers of new small facilities or utility extensions. 14 CCR § 15303.

Vodafone US contends its proposed activities involve construction of reasonably short utility extensions (Class 3). According to the application, construction will consist of short conduit extensions or stubs and the installation of a limited number of poles or other above-ground facilities, outside plant construction activities may be required to serve some customer locations if there are no existing conduits or there is inadequate space in the existing conduits. In these cases, construction may include trenching for the installation of underground conduit and the installation of new utility poles, equipment shelters or other above-ground structures. [9]

Exemption of these activities is consistent with Commission precedent. Vodafone US's proposed new construction activities are similar to those undertaken by other carriers that we have decided are categorically exempt from

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[8] Available exemptions may include construction projects involving existing facilities (CEQA Guidelines, section 15301), replacement or reconstruction (CEQA Guidelines, section 15302), new construction or conversion of small structures (CEQA Guidelines, section 15303) and construction under other available exemptions.

[9] *Ibid*.

CEQA. *See*, e.g, D.06-04-063 (*ClearLinx Network Corporation*); D.06-04-067 (*CA-CLEC LLC*).

Vodafone US requests approval to utilize a procedure for expedited review of its projects once it is aware of a specific site in which it plans construction. The proposed procedure tracks the expedited review procedure that we have approved for other carriers. Such a process will expedite CEQA review and is appropriate for the type of construction outlined here, which is anticipated to be categorically exempt. By establishing this expedited review process, we are able to review the information on a specific project to confirm that it is categorically exempt from CEQA or to explain why further environmental review is required. At the same time, the proposed CEQA review process will enable Vodafone US to undertake construction of its projects in an efficient manner without experiencing delays caused by an unnecessarily protracted CEQA review.

Similar to the procedure approved for other carriers, the following procedure will be used to obtain Commission approval of Vodafone US's claimed CEQA exemptions for proposed construction projects:

- Vodafone US will provide the Commission's Energy Division with:
  - A detailed description of the proposed project, including:
    - Customer(s) to be served;
    - The precise location of the proposed construction project; and
    - Regional and local site maps.
  - A description of the environmental setting, to include at a minimum:
    - Cultural, historical, and paleontological resources;
    - Biological resources; and

        - Current land use and zoning.
    - A construction workplan, to include:
        - Commission Preconstruction Survey Checklist—Archaeological Resources;
        - Commission Preconstruction Survey Checklist—Biological Resources;
        - A detailed schedule of construction activities, including site restoration activities;
        - A description of construction/installation techniques;
        - A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
        - A list of permits required for the proposed project.
    - A statement of the CEQA exemption(s) applicable to the proposed project; and
    - Documentation and factual evidence sufficient to support a finding that the claimed exemption(s) is (are) applicable.
- The Energy Division will review Vodafone US's submission for the proposed project to confirm that the claimed exemption(s) from CEQA are applicable.
- Within 21 days from the date of Vodafone US's submittal, the Energy Division will issue either:
    - A Notice to Proceed (NTP) and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research, or
    - A letter of denial stating the specific reasons why the claimed exemption(s) are not applicable to the proposed project.

We have reviewed the application and Supplement and find that:

- Vodafone US's proposed facilities-based project activities are very limited;

- These activities would in almost all circumstances be very likely to qualify for an exemption from CEQA; and
- The proposed process for reviewing the applicability of CEQA exemptions to Vodafone US's facilities-based projects is not only adequate for the Commission's purposes as CEQA Lead Agency, but is also in the public interest because it enables Vodafone US to respond in a timely manner to requests for service without the delay or burden of a full CEQA review when such review is unnecessary.

We therefore approve Vodafone US's proposed process for Commission review of claimed CEQA exemptions for construction projects undertaken pursuant to Vodafone US's full facilities-based authority, based on the specific facts of this case with the following modifications related to the Commission's Energy Division review and approval or disapproval of the proposed exemptions.

- If the Energy Division disapproves Vodafone US's claimed CEQA exemption(s) and issues a letter of denial to Vodafone US, Vodafone US must either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any construction activities.

Vodafone US shall not perform any full facilities-based construction activities without first obtaining an NTP from the Energy Division or authorization by the Commission after the requisite environmental review.

We have previously determined that the public convenience and necessity require that competition be allowed in the provision of competitive local exchange service, Rulemaking (R.) 95-04-043/Investigation (I.) 95-04-044. Granting this application will benefit the public interest by expanding the availability of technologically advanced telecommunications services within the state.

4. Financial Qualifications

To be granted a CPCN, an applicant for authority to provide full facilities-based and resold local exchange and interexchange services must demonstrate that it has a minimum of $100,000 cash or cash equivalent to meet the firm's start-up expenses.[10] An applicant must also demonstrate that it has sufficient additional resources to cover all deposits required by local exchange carriers (LECs) and/or interexchange carriers (IECs) in order to provide the proposed service.[11] In the application, Vodafone US provided a Telephone Corporation Surety Bond in the amount of $125,000 to satisfy this requirement, as permitted by Decision (D.)14-11-004. Since Vodafone US has provided documentation that it possesses a minimum of $100,000 that is reasonably liquid and available, it has demonstrated that it has sufficient funds to meet its start-up expenses and has fulfilled this requirement.

Vodafone US proposed to initially interconnect with AT&T, Verizon (now Frontier), Citizens, and SureWest. As stated above, Vodafone US has provided documentation that it has the funds available for the deposit required by AT&T, Frontier, Citizens, and SureWest. Therefore, no additional resources are required at this time to cover deposits.

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[10] The financial requirement for Competitive Local Exchange Carriers (CLEC) is contained in D.95-12-056, Appendix C. The financial requirement for Non-Dominant Interexchange Carriers (NDIEC) is contained in D.91-10-041.

[11] The requirement for Competitive Local Carrier (CLC) applicants to demonstrate that they have additional financial resources to meet any deposits required by underlying Local Exchange Carriers (LEC) and/or IECs is set forth in D.95-12-056, Appendix C. For NDIECs, the requirement is found in D.93-05-010.

5. Technical Qualifications

To be granted a CPCN for authority to provide local exchange and interexchange service, an applicant must make a reasonable showing of managerial and technical expertise in telecommunications or a related business.[12] Vodafone US supplied biographical information on its management in Exhibit A to its application that demonstrated that it has sufficient expertise and training to operate as a telecommunications provider.

In its application, Vodafone US verified that no one associated with or employed by Vodafone US as an affiliate, officer, director, partner, or owner of more than 10% of Vodafone US was previously associated with a telecommunications carrier that filed for bankruptcy, was sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule, or order, or has been found either civilly or criminally liable by a court of appropriate jurisdiction for a violation of § 17000, et seq. of the California Business and Professions Code, or for any actions which involved misrepresentations to consumers, nor is currently under investigation for similar violations. Vodafone US did acknowledge in its application that the Commission revoked the CPCN of one of its affiliates, formerly known as Cable & Wireless Americas Operations, Inc., prior to its acquisition by Vodafone US's parent company. Vodafone US Operations, Inc. addressed that situation in a separate application to this Commission.[13]

For the above reasons, we find that Vodafone US is in compliance with the requirements of D.95-12-056.

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[12] D. 95-12-056 at Appendix C, Rule 4.A.

[13] Application (A.)14-01-028, filed January 30, 2014

6. Tariffs

Vodafone US requests to provide service on a detariffed basis to the extent permitted under Industry Rule 5 of GO 96-B. Vodafone US will not provide basic service to residential customers, and does not currently plan to provide switched access service. However, Vodafone US has attached a draft switched access tariff, providing rates, terms, and conditions for provision of such service on a default basis (*i.e.*, in the absence of an individually-negotiated written contract).

Commission staff reviewed Vodafone US's draft tariff, with respect to the access tariff rates, for compliance with Commission rules and regulations. Vodafone US has no deficiencies in its draft tariff. Vodafone US's draft switched access tariff is approved for use on a default basis.

7. Map of Service Territory

To be granted a CPCN for authority to provide local exchange service, an applicant must provide a map of the service territories it proposes to serve.[14] In its Response, Vodafone US provided a map of the location of its proposed service territory, in compliance with this requirement.

8. Rule 3.1(i) Statement (For Full Facilities Only)

Rule 3.1(i) sets forth the requirement that a utility filing an application under Pub. Util. Code § 1001, provide a statement regarding General Order (GO) 104-A, Section 2. Vodafone US states that it is not aware of any reportable matters pursuant to General Order 104-A, Section 2. Vodafone US, therefore, has nothing to report under this rule.

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[14] D.95-12-056 at Appendix C, Rule 4.E.

On a going forward basis, though, Vodafone US must file all reports required of a public utility under Commission jurisdiction.

9. Expected Customer Base

Vodafone US provided its estimated customer base for the first and fifth years of operation in paragraph XVI of its application. Therefore, Vodafone US has complied with this requirement.

10. Request for Treatment as a Non-dominant Carrier

Applicant requests treatment as a NDIEC, which would include exemption from the requirements of Pub. Util. Code §§ 816-830 concerning stocks and security and § 851 concerning the encumbrance and transfer of utility property. The Commission detailed its rules regarding exemption of non-dominant carriers in D.85-01-008, and subsequently modified in D.85-07-081 and D.85-11-044. We grant Applicant's request for NDIEC status, provided that they follow all rules detailed in the above referenced decisions.[15]

11. Safety Considerations

With the adoption of the *Safety Policy Statement of the California Public Utilities Commission* on July 10, 2014, the Commission has, among other things, heightened its focus on the potential safety implications of every proceeding. We have considered the potential safety implications here. We feel satisfied that Vodafone US will meet the Commission's minimum safety goals and expectations of CLEC's because: (1) Vodafone US has taken steps to meet the financial requirements as set forth in this decision for a facilities-based CLEC,

[15] While the Commission has granted exemption from §§ 816 – 830 to others, exemption from §§ 851 – 854 has not been granted previously and is not granted here.

and (2) Vodafone US is a public utility that is required pursuant to Pub. Util. Code § 451 to "… furnish and maintain such adequate, efficient, just and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities … as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

12. Conclusion

We conclude that the application conforms to our rules for certification as a CLEC and IEC. Accordingly, we amend the CPCN previously granted to Vodafone US to allow it to provide full facilities-based and resold local exchange telecommunications service in the service territory of AT&T, Frontier, Citizens, and SureWest and interexchange service in California subject to compliance with the terms and conditions set forth in the Ordering Paragraphs.

The CPCN granted by this decision provides benefits to Vodafone US and corresponding obligations. Vodafone US receives authority to operate in the prescribed service territory, it can request interconnection with other telecommunications carriers in accordance with Section 251 of the Federal Communications Act (47 U.S.C. 251), and it receives access to public rights of way in California as set forth in D.98-10-058 subject to the CEQA requirements set forth in this decision. In return, Vodafone US is obligated to comply with all applicable Public Utilities Codes and Commission Rules, GOs, and decisions applicable to telecommunications carriers providing approved services. The applicable Codes, Rules, etc. include, but are not limited to consumer protection rules, tariffing, and reporting requirements. Moreover, Vodafone US is obligated to pay all Commission prescribed user fees and public purpose program surcharges as set forth in the Appendix B of this decision, to comply with CEQA, and to adhere to Pub. Util. Code Section 451 which states that every public utility "…shall furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities, including telephone facilities, as defined in Section 54.1 of the Civil Code, as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

13. Categorization and Need for Hearings

In Resolution ALJ 176-3359, dated June 25, 2015, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests were filed. There is no apparent reason why the application should not be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations.

14. Comments on Draft Decision

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2), the otherwise applicable 30-day period for public review and comment is waived.

15. Assignment of Proceeding

Michael Picker is the assigned Commissioner and Dan H. Burcham is the assigned ALJ in this proceeding.

Findings of Fact

1. Notice of the application appeared on the Daily Calendar on June 11, 2015. No protests have been filed. A hearing is not required.

2. Vodafone US is a telephone corporation and a public utility as defined in Pub. Util. Code Sections 234(a) and 216(a).

3. The Commission is the Lead Agency for this project under CEQA.

4. Vodafone US's proposed construction activities are expected to fall within one or more CEQA categorical exemptions.

5. Vodafone US has a minimum of $100,000 of cash or cash equivalent that is reasonably liquid and readily available to meet its start-up expenses.

6. Vodafone US has sufficient additional cash or cash equivalent to cover deposits that may be required by other telecommunications carriers in order to provide the proposed service.

7. Vodafone US's management possesses sufficient experience, knowledge, and technical expertise to provide local exchange services to the public.

8. No one associated with or employed by Vodafone US as an affiliate, officer, director, partner, or owner of more than ten percent of Vodafone US was: previously associated with a telecommunications carrier that filed for bankruptcy; was sanctioned by the Federal Communications Commission or any state regulatory agency for failure to comply with any regulatory statute, rule, or order; or was previously associated with any telecommunication carrier that has been found either civilly or criminally liable by a court of appropriate jurisdiction for a violation of § 17000, et seq. of the California Business and Professions Code, or for any actions which involved misrepresentations to consumers, nor is currently under investigation for similar violations.

9. Vodafone US disclosed the revocation by this Commission of a CPCN held by one of its affiliate companies before Vodafone US's parent company acquired it.

10. Vodafone US does not intend to offer local residential service, and has agreed to abide by the consumer protection rules adopted in Decision 98-08-031 and otherwise meets the qualification for exemption from tariffing requirements.

11. Vodafone US provided a map of the location of its proposed service territory.

12. Vodafone US has no information to report under Rule 3.1(i), which requires that a utility filing an application under Pub. Util. Code §1001, provide a statement regarding compliance with General Order (GO) 104-A, Section 2.

13. Vodafone US provided an estimate of its customer base for the first and fifth year of operation.

Conclusions of Law

1. The CPCN previously granted to Vodafone US Inc. should be amended to allow it to provide resold and full facilities-based local exchange telecommunications service in the service territories of AT&T California, Frontier California Inc. (formerly Verizon California Inc.), Citizens Telecommunications Company of California Inc. d/b/a Frontier Communications of California, and Consolidated Communications of California Company (formerly SureWest Telephone) and interexchange service in California, subject to the terms and conditions set forth in the Ordering Paragraphs.

2. Vodafone US should be allowed to use the Energy Division 21-day CEQA exemption process.

3. Vodafone US Inc. should continue to be subject to the applicable Commission rules, decisions, General Orders, and statutes that pertain to California public utilities.

4. Vodafone US should be granted non-dominant carrier status, subject to Commission rules and regulations as detailed in D.85-01-008 and modified in D.85-07-081 and D.85-11-044.

O R D E R

IT IS ORDERED that:

1. The Certificate of Public Convenience and Necessity previously granted to Vodafone US Inc. in Decision 16-01-019 is amended to allow it to provide resold and full facilities-based local exchange telecommunications services in the territories of Pacific Bell Telephone Company d/b/a AT&T California, Frontier California Inc. (formerly Verizon California Inc.), Citizens Telecommunications Company of California, Inc. d/b/a/ Frontier Communications of California, and Consolidated Communications of California Company (formerly SureWest Telephone), and interexchange service in California, subject to the terms and conditions set forth below.

2. Vodafone US Inc. may not offer competitive local exchange services until tariffs are filed with and authorized by this Commission, in accordance with General Order 96-B and as corrected for deficiencies set forth in Exhibit A.

3. The corporate identification number assigned to Vodafone US Inc., U-7277-C, must be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

4. The certificate granted by this order will expire if not exercised within 12 months of the effective date of this order.

5. Vodafone US Inc. must obtain a performance bond of at least $25,000 in accordance with Decision 13-05-035. The performance bond must be a continuous bond (i.e., there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the obligee on the bond. Within five days of acceptance of its certificate of public convenience and necessity authority,

Vodafone US Inc. must submit a Tier 1 advice letter to the Director of Communications, containing a copy of the license holder's executed bond, and submit a Tier 1 advice letter annually, but not later than March 31, with a copy of the executed bond.

6. Vodafone US Inc. must not allow its performance bond to lapse during any period of its operation. Pursuant to Decision 13-05-035, the Commission may revoke a certificate of public convenience and necessity if a carrier is more than 120 days late in providing the Director of the Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Communications Division.

7. Vodafone US Inc. shall continue to comply with all requirements for telecommunications carriers set forth in Decision 16-01-019.

8. Vodafone US Inc. must notify the Director of the Communications Division in writing of the date that local exchange service is first rendered to the public, no later than five days after service first begins.

9. Vodafone US Inc. must post all detariffed rates, terms and conditions of service on an internet site pursuant to Rule 5.2 of the Telecommunications Industry Rules in General Order 96-B.

10. The staff of the Commission's Energy Division is authorized to review, process, and act upon Vodafone US Inc.'s requests for a determination that its full facilities-based construction activities are exempt from the requirements of the California Environmental Quality Act.

11. If Vodafone US Inc. wishes to engage in full facilities-based construction activities and believes that these activities are exempt from California Environmental Quality Act, Vodafone US Inc. shall first apply to the Commission's Energy Division staff for a determination of exemption from

California Environmental Quality Act using the following procedure set forth in Ordering Paragraph 16.

12. Vodafone US Inc. will provide the Commission's Energy Division with:
    a. A detailed description of the proposed project, including:
        i. Customer(s) to be served;
        ii. The precise location of the proposed construction project; and
        iii. Regional and local site maps.
    b. A description of the environmental setting, including at a minimum:
        i. Cultural, historical, and paleontological resources;
        ii. Biological resources; and
        iii. Current land use and zoning.
    c. A construction workplan, including:
        i. Commission Preconstruction Survey Checklist—Archaeological Resources;
        ii. Commission Preconstruction Survey Checklist—Biological Resources;
        iii. A detailed schedule of construction activities, including site restoration activities;
        iv. A description of construction/installation techniques;
        v. A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
        vi. A list of permits required for the proposed project.
    d. A statement of the California Environmental Quality Act exemption(s) claimed to apply to the proposed project;
    e. Documentation supporting the finding of exemption from California Environmental Quality Act;
    f. The Energy Division will then review the submittal and notify Vodafone US Inc. of either its approval or its denial

of Vodafone US Inc.'s claim for exemption from California Environmental Quality Act review within 21 days from the time that Vodafone US Inc.'s submittal is complete;

g. If the Energy Division approves Vodafone US Inc.'s claimed California Environmental Quality Act exemption(s), the staff will prepare a Notice to Proceed and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research;

h. If the Energy Division disapproves Vodafone US Inc.'s claimed California Environmental Quality Act exemptions, the staff will issue to UTILITY a letter which states the specific reasons that the claimed California Environmental Quality Act exemptions do not apply to the proposed project; and

i. If the Energy Division disapproves Vodafone US Inc.'s claimed California Environmental Quality Act exemption(s), Vodafone US Inc. shall either re-design the specific project and facilities and then reapply for a finding of exemption from California Environmental Quality Act, or file a formal application with the Commission seeking the requisite approval and full California Environmental Quality Act review, before commencing any full facilities-based construction activities.

13. Application 15-06-007 is closed.

This order is effective today.

Dated ____________________________, at Sacramento, California.

ATTACHMENT A

This Attachment Intentionally left blank)

(END OF ATTACHMENT A)

ATTACHMENT B

REQUIREMENTS APPLICABLE TO COMPETITIVE LOCAL EXCHANGE CARRIERS AND INTEREXCHANGE CARRIERS

1. Applicant must file, in this docket with reference to this decision number,[16] a written acceptance of the certificate granted in this proceeding within 30 days of the effective date of this order.

2. The certificate granted by this order will expire if not exercised within 12 months of the effective date of this order.

3. Applicant is subject to the following fees and surcharges that must be regularly remitted. Per the instructions in Exhibit E to Decision (D.) 00-10-028, the Combined California PUC Telephone Surcharge Transmittal Form must be submitted even if the amount due is $0.

   a. The Universal Lifeline Telephone Service Trust Administrative Committee Fund (Pub. Util. Code § 879);
   b. The California Relay Service and Communications Devices Fund (Pub. Util. Code § 2881; D.98-12-073);
   c. The California High Cost Fund-A (Pub. Util. Code § 739.3; D.96-10-066, at 3-4, App. B, Rule 1.C);
   d. The California High Cost Fund-B (D.96-10-066, at 191, App. B, Rule 6.F.; D.07-12-054);
   e. The California Advanced Services Fund (D.07-12-054);
   f. The California Teleconnect Fund (D.96-10-066, at 88, App. B, Rule 8.G).
   g. The User Fee provided in Pub. Util. Code §§ 431-435. The minimum annual User Fee is $100, as set forth in D.13-05-035.

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[16] Written acceptance filed in this docket does not reopen the proceeding.

Note: These fees change periodically. In compliance with Resolution T-16901, December 2, 2004, Applicant must check the joint tariff for surcharges and fees filed by Pacific Bell Telephone Company (dba AT&T California) and apply the current surcharge and fee amounts in that joint tariff on end-user bills until further revised. Current and historical surcharge rates can be found at http://www.cpuc.ca.gov/General.aspx?id=1124.

- Carriers must report and remit CPUC telephone program surcharges online using the CPUC Telecommunications and User Fees Filing System (TUFFS). Information and instructions for online reporting and payment of surcharges are available at http://www.cpuc.ca.gov/general.aspx?id=10747. To request a user ID and password for TUFFS online filing and for questions, please e-mail Telco_surcharges@cpuc.ca.gov.
- Carriers must file and pay the PUC User Fee (see above item 2g) upon receiving the User Fee statement sent by the Commission. Instructions for reporting and filing are available at http://www.cpuc.ca.gov/General.aspx?id=1009. Please call (415) 703-2470 for questions regarding User Fee reporting and payment.

4. Applicant is a competitive local exchange carrier (CLC). The effectiveness of its future tariffs is subject to the requirements of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

5. Applicant is a non-dominant interexchange carrier (NDIEC). The effectiveness of its future NDIEC tariffs is subject to the requirement of General Order 96-B and the Telecommunications Industry Rules (D.07-09-019).

6. Tariff filings must reflect all fees and surcharges to which Applicant is subject, as reflected in #2 above.

7. Applicant must file a service area map as part of its initial tariff.

8. Applicant must obtain a performance bond of at least $25,000 in accordance with Decision (D.)15-05-035. The performance bond must be a continuous bond (i.e., there is no termination date on the bond) issued by a corporate surety company authorized to transact surety business in California, and the Commission must be listed as the oblige on the bond. Within five days of acceptance of its Certificate of Public Convenience and Necessity, Applicant must submit a Tier-1 advice letter to the Director of the Communications Division, containing a copy of the license holder's executed bond, and submit a Tier-1 advice letter annually thereafter, but no later than March 31, with a copy of the executed bond.

9. Applicant must not allow its performance bond to lapse during any period of its operation. Pursuant to Decision (D.)15-05-035, the Commission may revoke a Certificate of Public Convenience and Necessity if a carrier is more than 120 days late in providing the Director of the Communications Division a copy of its executed performance bond and the carrier has not been granted an extension of time by the Communications Division.

10. Prior to initiating service, Applicant must provide the Commission's Consumer Affairs Branch with the name and address of its designated contact person(s) for purposes of resolving consumer complaints. In addition, Applicant must provide the Commission's Communications Division with the name and address of its designated regulatory/official contact persons(s). This information must be provided electronically, using the "Regulatory/Official Contact Information Update Request" found at http://www.cpuc.ca.gov/communications/. This information must be updated if the name or telephone number changes, or at least annually.

11. Applicant must notify the Director of the Communications Division in writing of the date that local exchange service is first rendered to the public, no later than five days after service first begins.

12. Applicant must keep its books and records in accordance with the Generally Accepted Accounting Principles.

13. In the event Applicant's books and records are required for inspection by the Commission or its staff, it must either produce such records at the Commission's offices or reimburse the Commission for the reasonable costs incurred in having Commission staff travel to its office.

14. Applicant must file an annual report with the Director of the Communications Division, in compliance with GO 104-A, on a calendar-year basis with the information contained in Attachment C to this decision.

15. Applicant must file an affiliate transaction report with the Director of the Communications Division, in compliance with D.93-02-019, on a calendar-year basis using the form contained in Attachment D.

16. Applicant must ensure that its employees comply with the provisions of Pub. Util. Code § 2889.5 regarding solicitation of customers.

17. Within 60 days of the effective date of this order, Applicant must comply with Pub. Util. Code § 708, Employee Identification Cards, and notify the Director of the Communications Division in writing of its compliance.

18. If Applicant is 90 days or more late in filing an annual report, or in remitting the surcharges and fee listed in #2 above, and has not received written permission from the Communications Division to file or remit late, the Communications Division must prepare for Commission consideration a resolution that revokes Applicant's CPCN.

19. Applicant is exempt from Rule 3.1(b) of the Commission Rules of Practice and Procedure

20. Applicant is exempt from Pub. Util. Code §§ 816-830.

21. Applicant is exempt from the requirements of Pub. Util. Code § 851 for the transfer or encumbrance of property whenever such transfer or encumbrance serves to secure debt.

22. If Applicant decides to discontinue service or file for bankruptcy, it must immediately notify the Communications Division's Bankruptcy Coordinator.

23. Applicant must send a copy of this decision to concerned local permitting agencies no later than 30 days from the date of this order.

(END OF ATTACHMENT B)

ATTACHMENT C

ANNUAL REPORT

An original and a machine readable, copy using Microsoft Word or compatible format must be filed with the California Public Utilities Commission, State Office Building, 505 Van Ness Avenue, Room 3107, San Francisco, CA 94102-3298, no later than March 31st of the year following the calendar year for which the annual report is submitted.

Failure to file this information on time may result in a penalty as provided for in Pub. Util. Code §§ 2107 and 2108.

Required information:

1. Exact legal name and U # of the reporting utility.
2. Address.
3. Name, title, address, and telephone number of the person to be contacted concerning the reported information.
4. Name and title of the officer having custody of the general books of account and the address of the office where such books are kept.
5. Type of organization (*e.g.,* corporation, partnership, sole proprietorship, etc.).

   If incorporated, specify:

   a. Date of filing articles of incorporation with the Secretary of State.
   b. State in which incorporated.
6. Number and date of the Commission decision granting the Certificate of Public Convenience and Necessity.
7. Date operations were begun.
8. Description of other business activities in which the utility is engaged.
9. List of all affiliated companies and their relationship to the utility. State if affiliate is a:

   a. Regulated public utility.
   b. Publicly held corporation.
10. Balance sheet as of December 31st of the year for which information is submitted.

11. Income statement for California operations for the calendar year for which information is submitted.
12. Cash Flow statement as of December 31st of the calendar year for which information is submitted, for California operations only.

For answers to any questions concerning this report, call (415) 703-2883.

(END OF ATTACHMENT C)

ATTACHMENT D

CALENDAR YEAR AFFILIATE TRANSACTION REPORT

An original and a machine readable, copy using Microsoft Word and Excel, or compatible format must be filed with the California Public Utilities Commission, State Office Building, 505 Van Ness Avenue, Room 3107, San Francisco, CA 94102-3298, no later than May 1st of the year following the calendar year for which the annual report is submitted.

1. Each utility must list and provide the following information for each affiliated entity and regulated subsidiary that the utility had during the period covered by the Annual Affiliate Transaction Report.

- Form of organization (*e.g.,* corporation, partnership, joint venture, strategic alliance, etc.);
- Brief description of business activities engaged in;
- Relationship to the utility (*e.g.,* controlling corporation, subsidiary, regulated subsidiary, affiliate);
- Ownership of the utility (including type and percent ownership)
- Voting rights held by the utility and percent; and
- Corporate officers.

2. The utility must prepare and submit a corporate organization chart showing any and all corporate relationships between the utility and its affiliated entities and regulated subsidiaries in #1 above. The chart must have the controlling corporation (if any) at the top of the chart, the utility and any subsidiaries and/or affiliates of the controlling corporation in the middle levels of the chart, and all secondary subsidiaries and affiliates (e.g., a subsidiary that in turn is owned by another subsidiary and/or affiliate) in the lower levels. Any regulated subsidiary must be clearly noted.

3. For a utility that has individuals who are classified as "controlling corporations" of the competitive utility, the utility must only report under the requirements of #1 and #2 above any affiliated entity that either (a) is a public utility or (b) transacts any business with the utility filing the annual report excluding the provision of tariff services.

4. Each annual report must be signed by a corporate officer of the utility stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

5. Any required material that a utility is unable to provide must be reasonably described and the reasons the data cannot be obtained, as well as the efforts expended to obtain the information, must be set forth in the utility's Annual Affiliate Transaction Report and verified in accordance with Section I-F of Decision 93-02-019.

6. Utilities that do not have affiliated entities must file, in lieu of the annual transaction report, an annual statement to the Commission stating that the utility had no affiliated entities during the report period. This statement must be signed by a corporate officer of the utility, stating under penalty of perjury under the laws of the State of California (CCP 2015.5) that the annual report is complete and accurate with no material omissions.

(END OF ATTACHMENT D)